

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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RYAN ROSS MCKENDRY-VERHUNCE,
Plaintiff
v.
RPD OFFICER STEVE WOZNIAK, et. al.
Defendants

Case No. 3:22-CV-00524-ART-CLB

AMENDED SCREENING ORDER

10 On August 2, 2023, the Court screened Plaintiff Ryan Ross McKendry-Verhunce's
11 ("McKendry-Verhunce") *pro se* civil rights complaint, (ECF No. 1-1), and determined that
12 this case could proceed on a single excessive force claim against Defendants RPD
13 Officers Steve Wozniak ("Wozniak") and Nick Griebel ("Griebel") (collectively referred to
14 as "Defendants") pursuant to the Fourteenth Amendment. (ECF No. 9.) However, as this
15 case arises from allegations of excessive force that took place during McKendry-
16 Verhunce's arrest, the excessive force claim cannot proceed pursuant to the Fourteenth
17 Amendment, which applies only to excessive force allegations that arise during a
18 plaintiff's pretrial detention. See *Kingsley v. Hendrickson*, 576 U.S. 389, 396-97
19 (2015). Rather, a claim related to excessive force that occurs during an arrest must
20 proceed pursuant to the Fourth Amendment. See *Graham v. Connor*, 490 U.S. 386, 388
21 (1989). Therefore, the Screening Order, (ECF No. 9), is amended to reflect that
22 McKendry-Verhunce's single excessive force claim will proceed against Defendants
23 pursuant to the Fourth Amendment. All other aspects of the Screening Order, (ECF No.
24 9), remain the same and are unchanged by this order.

IT IS SO ORDERED.

DATED: October 4, 2023.

UNITED STATES MAGISTRATE JUDGE